

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEITH CHRISTIAN,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 3:23-278
v.	)	Judge Nora Barry Fischer
	)	Magistrate Judge Keith Pesto
GREG STALLMAN, Chief, Altoona Police	)	
Department, et al.,	)	
	)	
Defendants.	)	

**ORDER OF COURT**

AND NOW, this 20th day of December, 2024, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith Pesto on November 8, 2023, (Docket No. 12), recommending that after screening Plaintiff Keith Christian's Complaint under the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2), that the Complaint be dismissed, with prejudice, for the reasons initially provided by Magistrate Judge Joseph F. Saporito, Jr. of the U.S. District Court for the Middle District of Pennsylvania in a Report and Recommendation filed on July 12, 2023, (Docket No. 9), which was issued prior to the case being transferred to this District, (Docket No. 10), i.e., that Plaintiff's § 1983 claims arising out of his arrest by Altoona Police on April 27, 2017 after he sold narcotics to undercover officers at a Sheetz in the Borough of Tyrone, Pennsylvania, for which he was prosecuted in state court and is currently serving a sentence of incarceration at SCI Camp Hill, were barred by the 2-year statute of limitations, *see Wallace v. Kato*, 549 U.S. 384, 388–91 (2007), the favorable termination rule under *Heck v. Humphrey*, 512 U.S. 477 (1994), and otherwise meritless because any alleged claim that he was arrested by Altoona officers outside of the territorial jurisdiction provided

under state law simply does not constitute a violation of the federal rights secured by the Fourth Amendment, (Docket No. 9), and the Magistrate Judge having ordered that any objections were to be filed within 14 days, such that objections by non-ECF users were due by November 27, 2023, and no objections having been filed as of the date of this Order, and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Plaintiff Keith Christian's Complaint [1] is DISMISSED, with prejudice, and leave to amend is denied, as futile. *See Grayson v. Mayview State Hospital*, 293 F.3d 103 (3d Cir. 2002);

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED; and,

FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

*s/ Nora Barry Fischer*

Nora Barry Fischer  
Senior U.S. District Judge

cc/ecf: United States Magistrate Keith Pesto

cc: Keith C. Christian QD-7754  
S.C.I. Camp Hill  
2500 Lisburn Road  
Camp Hill, PA 17001  
(via first class mail)